

Senate Study Bill 1175 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to bond requirements for the construction of
2 subdivision improvements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 354.8, Code 2011, is amended to read as
2 follows:

3 **354.8 Review and approval by governing bodies.**

4 1. A proposed subdivision plat lying within the
5 jurisdiction of a governing body shall be submitted to that
6 governing body for review and approval prior to recording.
7 Governing bodies shall apply reasonable standards and
8 conditions in accordance with applicable statutes and
9 ordinances for the review and approval of subdivisions. The
10 governing body, within sixty days of application for final
11 approval of the subdivision plat, shall determine whether the
12 subdivision conforms to its comprehensive plan and shall give
13 consideration to the possible burden on public improvements
14 and to a balance of interests between the proprietor, future
15 purchasers, and the public interest in the subdivision when
16 reviewing the proposed subdivision and when requiring the
17 installation of public improvements in conjunction with
18 approval of a subdivision. The governing body shall not issue
19 final approval of a subdivision plat unless the subdivision
20 plat conforms to sections 354.6, 354.11, and 355.8.

21 2. If the subdivision plat and all matters related to final
22 approval of the subdivision plat conform to the standards and
23 conditions established by the governing body, and conform
24 to this chapter and chapter 355, the governing body, by
25 resolution, shall approve the plat and certify the resolution
26 which shall be recorded with the plat. The recorder shall
27 refuse to accept a subdivision plat presented for recording
28 without a resolution from each applicable governing body
29 approving the subdivision plat or waiving the right to review.

30 3. The governing body may require a proprietor to provide a
31 bond in an amount determined by the governing body to secure
32 construction of subdivision improvements, and may condition the
33 release of the bond on the governing body's acceptance of the
34 subdivision improvements as having been properly constructed
35 in accordance with the applicable design requirements. If

1 the governing body requires the provision of such a bond by a
2 proprietor, the proprietor may provide a bond directly or have
3 a bond provided on the proprietor's behalf by the contractor
4 hired for the construction of the subdivision improvements. As
5 used in this section, the term "*subdivision improvements*" means
6 any fixture, structure, or other improvement to land required
7 to be constructed or installed by the proprietor as a condition
8 of the governing body's approval of a subdivision plat.

9 4. A city may establish jurisdiction to review subdivisions
10 or plats of survey outside its boundaries pursuant to the
11 provisions of section 354.9. In the case of a city, the
12 provisions of this section apply to the review by the city of
13 both subdivision plats and plats of survey.

| 14 | EXPLANATION |
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15 This bill relates to bond requirements for the construction
16 of subdivision improvements.

17 The bill permits a governing body to require that a
18 proprietor submit a bond in order to secure the construction of
19 subdivision improvements. The bill permits a city to condition
20 the release of such bonds upon the proper construction of
21 such improvements. If such a bond is required by the city,
22 the bill permits the proprietor to submit a bond attained on
23 behalf of the proprietor or on behalf of the contractor hired
24 to construct such subdivision improvements.